

09/921,103

TELNP120USA

REMARKS

Claims 1-46 are currently pending in the subject application and are presently under consideration. A clean version of all pending claims is found at pages 2-9. Claims 23, 38, 41, 42 and 46 have been amended herein. A marked-up version of claim amendments made herein is found on pages 12-13 of this Reply. Applicant acknowledges with appreciation the Examiner considering claims 11-14 to be allowable. Favorable reconsideration of the subject patent application is respectfully requested in view of the comments and amendments herein.

I. Rejection of Claims 23-46 Under 35 U.S.C. 251

Claims 23-46 stand rejected under 35 U.S.C. 251 as being improper recapture of broadened claimed subject matter surrendered in the application for the patent upon which the present reissue is based. Withdrawal of this rejection is respectfully requested for at least the following reasons.

Independent claims 23, 28, 41, 42 and 46 have been amended in accordance with the Examiner's suggestions. Accordingly, it is respectfully submitted that independent claims 23, 28, 41, 42 and 46 and claims 24-27, 29-40, 43-45 which depend therefrom are in condition for allowable. Withdrawal of this rejection is respectfully requested.

II. Rejection of Claims 1-10, 15-46 under 35 U.S.C. 102(e)

Claims 1-10 and 15-46 stand rejected under 35 U.S.C. 102(e) as being anticipated by Angle *et al.* (US 6,366,771). Withdrawal of this rejection is respectfully requested for at least the following reasons.

Angle *et al.* was filed on May 21, 1998. The application for the patent upon which the present reissue is based has a filing date of October 4, 1996 (Application No. 08,726,030). Angle *et al.* incorporates the patent upon which the present reissue is based:

An exemplary switch 300 suitable for use in accordance with the invention is described in commonly assigned U.S. application Ser. No. 08/726,030 entitled 'Programmable Mobile Device with Thumb Wheel', filed on October 4, 1996. The entire disclosure of application Ser. No. 08/726,030 is incorporated herein by reference.

Angle at col. 7, lines 62-68.

Accordingly, it is patently obvious that any disclosure of the subject invention by Angle *et al.*

09/921,103

TELNP120USA

is based on the application for the patent upon which the present reissue is based. Angle *et al.* is therefore not a proper 102(c) reference and withdrawal of this rejection is respectfully requested.

Conclusion

The present application is believed to be condition for allowance in view of the above amendments and comments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063.

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicant's undersigned representative at the telephone number listed below.

Respectfully submitted,

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09/921,103

TELNP120USA

MARKED UP VERSION OF AMENDED CLAIMS**In the Claims:**

Please amend the claims as follows:

23. (Amended) A portable device, comprising:

a housing;

a bar code reader; and

a thumb wheel adapted to facilitate user interaction with the portable device, the thumb wheel including a wheel portion[being] rotatable about an axis, the wheel portion being selectably rotatable about the axis to facilitate a user selecting at least one function from a plurality of functions, and at least a portion of the thumb wheel extending from the housing, the wheel portion being transaxially moveable and wherein transaxial movement of the wheel portion initiates selection of the at least one function.

38. (Amended) A data collection device comprising:

a bar code scanner for collecting information; and

a thumb wheel that is rotatable about an axis and is transaxially moveable, the thumb wheel being selectably rotatable about the axis to facilitate a user selecting at least one function from a plurality of functions, the [thumb wheel providing] plurality of functions comprising [for] at least one of: scrolling through the collected information, selecting a subset of the collected information, scrolling through a plurality of executable functions, and selecting a subset of the executable functions, wherein transaxial movement of the thumb wheel initiates selection of the at least one function.

41. (Amended) A portable inventory control device, comprising:

means for scanning bar code information; and

means for facilitating user interfacing with the device with a same user hand that is employed to concurrently hold the device, the user interfacing comprising one or more of: scrolling through

09/921,103

TELNP120USA

03
Concluded

functions, scrolling through scanned items, selecting a subset of the functions, and selecting a subset of the scanned items, the means for facilitating user interfacing being selectably rotatable about an axis to facilitate a user selecting at least one function from a plurality of functions, the means for facilitating user interfacing being transaxially moveable and wherein transaxial movement of the means for facilitating user interfacing initiates selection of the at least one function.

42. (Amended) A method of using a portable inventory control device comprising:
collecting information *via* a bar code reader;
displaying the information *via* a display of the device; and
selecting a displayed function and/or item *via* a thumb wheel that is rotatable about an axis, the thumb wheel being selectably rotatable about the axis to facilitate a user selecting at least one function from a plurality of functions, and wherein transaxial movement of the thumb wheel initiates selection of the at least one function.

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46. (Amended) An inventory control system, comprising:
a network backbone;
a computer operatively coupled to the network backbone; and
a portable data collection device operatively coupled to the computer *via* the network backbone, the device comprising:
a bar code reader adapted to facilitate collecting information;
a thumb wheel that is rotatable about an axis, the thumb wheel facilitating user interaction with the device, the thumb wheel being selectably rotatable about the axis to facilitate a user selecting at least one function from a plurality of functions, the thumb wheel being transaxially moveable and wherein transaxial movement of the thumb wheel initiates selection of the at least one function; and
a transceiver adapted to communicate to the computer a subset of the collected information that a user selected *via* the thumb wheel.